

RESOLUTION GRANTING THIRD ROUND SUBSTANTIVE CERTIFICATION #47-09

Andover Township, Sussex County

WHEREAS, Andover Township, Sussex County, petitioned the Council on Affordable Housing (COAH) for substantive certification of a Housing Element and Fair Share Plan addressing its total 1987-2018 affordable housing obligation on December 29, 2008; and

WHEREAS, Andover Township published notice of its petition in *The New Jersey Herald* on March 9, 2009, which is a newspaper of general circulation within the county, pursuant to N.J.S.A. 52:27D-313 and N.J.A.C. 5:96-3.5; and

WHEREAS, no objections to the plan were received by COAH during the 45-day objection period, which ended May 13, 2009; and

WHEREAS, Andover Township's fair share plan addresses a total 1987-2018 affordable housing obligation of 192 units, consisting of a zero-unit rehabilitation share, 55-unit prior round obligation and a 137-unit projected growth share obligation pursuant to N.J.A.C. 5:97; and

WHEREAS, COAH staff has reviewed the Township's Housing Element and Fair Share Plan, which is incorporated by reference herein; and

WHEREAS, the Township proposes to address its 55-unit prior round obligation with a four-bedroom group home, 14 age-restricted rental units from a 100 percent affordable project called West View, 23 rental units from a municipally sponsored and 100 percent affordable project called St. Paul's Abbey, and 14 rental bonuses; and

WHEREAS, Andover proposes to address its 137-unit projected growth share obligation with four rental units and four compliance bonuses from an inclusionary zoning development known as Mulford Road LLC, ten units from a market to affordable program, four age-restricted rental units and 15 family rental units from the West View 100 percent affordable development, 18 rental units from the St. Paul's Abbey development, two phased municipally sponsored 100 percent affordable rental projects each with 25 and 26 units respectively, and a phased municipally sponsored 100 percent affordable age-restricted rental project with 34 units; and

WHEREAS, pursuant to N.J.A.C. 5:97-3.2(a)4, Andover has provided an implementation schedule that demonstrates a realistic opportunity and sets forth a timetable for the submittal of all information and documentation required by N.J.A.C. 5:97-6.7; and

WHEREAS, pursuant to N.J.A.C. 5:96-6.2(a)2, COAH issued a Compliance Report (attached as Exhibit A and incorporated by reference herein) on October 9, 2009 recommending approval of Andover Township's petition for third round substantive certification; and

WHEREAS, there was a 14-day period to submit comments to the COAH Compliance Report pursuant to N.J.A.C. 5:96-6.2(b) and no comments were submitted.

NOW THEREFORE BE IT RESOLVED that the Housing Element and Fair Share Plan submitted by Andover Township comports to the standards set forth at N.J.S.A. 52:27D-314 and meets the criteria for third round substantive certification pursuant to N.J.A.C. 5:96-6.3; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:97-4.1(d), all credits will be verified and validated during monitoring subsequent to substantive certification pursuant to N.J.A.C. 5:96-11; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:96-6.2(a), after having reviewed and considered all of the above, COAH hereby grants third round substantive certification to Andover Township; and

BE IT FURTHER RESOLVED that after receiving final substantive certification, pursuant to N.J.A.C. 5:96-6.3(e), Andover Township shall adopt all implementing Fair Share Ordinances within 45 days of this grant of substantive certification; and

BE IT FURTHER RESOLVED if Andover Township fails to timely adopt its Fair Share Ordinances, COAH's grant of substantive certification shall be void and of no force and effect; and

BE IT FURTHER RESOLVED that Andover shall submit all Fair Share Ordinances to COAH upon adoption; and

BE IT FURTHER RESOLVED that Andover shall comply with COAH monitoring requirements as set forth in N.J.A.C. 5:96-11, including reporting Andover's actual growth pursuant to N.J.A.C. 5:97-2.5; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:96-10.1, COAH shall conduct biennial plan evaluations upon substantive certification of Andover's Housing Element and Fair Share Plan to verify that the construction or provision of affordable housing has been in proportion to the actual residential growth and employment growth in the municipality and to determine that the mechanisms addressing the projected growth share obligation continue to present a realistic opportunity for the creation of affordable housing; and

BE IT FURTHER RESOLVED that if upon any biennial review the difference between the number of affordable units constructed or provided in Andover and the number of units required pursuant to N.J.A.C. 5:97-2.5 results in a prorated production shortage of 10 percent or greater, the Township is not adhering to its implementation schedule pursuant to N.J.A.C. 5:97-3.2(a)4, or the mechanisms addressing the projected growth share obligation no longer present a realistic opportunity for the creation of affordable housing, the Council may direct the municipality to amend its plan to address the shortfall; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:97-2.5(e), if the actual growth share obligation determined is less than the projected growth share obligation, Andover shall continue to provide a realistic opportunity for affordable housing to address the projected growth share; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:96-6.3(b), Andover's substantive certification shall remain in effect until December 29, 2018; and

BE IT FURTHER RESOLVED that any changes to the facts upon which this substantive certification is based or any deviations from the terms and conditions of this substantive certification which affect the ability of Andover Township to provide for the realistic opportunity of its fair share of low and moderate income housing and which the Township fails to remedy, may render this certification null and void.

I hereby certify that this resolution was
duly adopted by the Council on Affordable
Housing at its public meeting on October 26, 2009

A handwritten signature in black ink, reading "Renee Reiss". The signature is written in a cursive, flowing style. The first name "Renee" starts with a large, elegant loop for the 'R', and the last name "Reiss" follows with a similar loop for the 'R' and a trailing flourish.

Renee Reiss, Secretary
Council on Affordable Housing



Council on Affordable Housing Compliance Report October 9, 2009



Andover: Andover Township
County: Sussex County

COAH Region: 1
Planning Area: 4, 4B, & 5
Special Resource Area: N/A

Housing Element and Fair Share Plan Adopted: December 16, 2008
Petition for 3rd Round Substantive Certification: December 29, 2008
Completeness Determination: March 3, 2009
Date of Publication: March 9, 2009

Objections Received: No

Petition Includes:

VLA: No
GPA: No
Waiver: No **Section:** N/A

Date of Site Visit: June 30, 2009

History of Approvals:

	COAH	JOC	N/A
First Round:			X
Second Round:	January 5, 2000		
Extended Certification:			X

Plan Preparer: Charles T. McGroarty, P.P., A.I.C.P. – Banisch & Associates

Municipal Housing Liaison: Linda Paolucci – Land Use Administrator

Recommendation: Grant Substantive Certification

SUMMARY OF FAIR SHARE OBLIGATION

Rehabilitation Share	0
Prior Round Obligation	55
Projected Growth Share Obligation	137

ACTUAL GROWTH and GROWTH SHARE through September 30, 2008¹

Res Units (#)	Actual Res Growth Share	Jobs (#)	Actual Non-Res Growth Share	Actual TOTAL Growth Share
126	25 units	125	8 units	33 units

COMPLIANCE PLAN SUMMARY

Obligation	Credit/ Mechanism Type	No. Units Completed	No. Units Proposed	TOTAL
Rehabilitation: 0 units				
Credits	Post-April 1, 2000	0		0
Program(s)	County/Municipal		0	0
Rehabilitation Subtotal				0
NEW CONSTRUCTION:				
Prior Round: 55 units				
Credits	Post-1986		4	4
Proposed Mechanism(s)	Other Innovative Approaches – 100 Percent Affordable Zoning		14	14
	Municipally Sponsored/100 Percent Affordable Development		23	23
Prior Round Bonus(es)	Rental	14		14
Prior Round Subtotal				55
Growth Share: 137 units				
Credits	Post-1986		4	4
Proposed Mechanism(s)	Other Innovative Approaches – 100 Percent Affordable Zoning		19	19
	Municipally Sponsored/100 Percent Affordable Development		18	18

¹ This growth share number does not take into account allowable exclusions permitted under N.J.A.C. 5:97-2.5; therefore, the actual growth share may vary.

	Market to Affordable Program		10	10
	Municipally Sponsored/100 Percent Affordable Development		25	25
	Municipally Sponsored/100 Percent Affordable Development		26	26
	Municipally Sponsored/100 Percent Affordable Development		34	30*
Growth Share Bonus(es)	Compliance	4		4
	Rental	15		15
Growth Share Subtotal				151
Surplus				14

*Only 30 of the 34 proposed age-restricted units are eligible for credit at this time due to the age-restricted limitation.

I. HOUSING ELEMENT

Pursuant to N.J.S.A. 40:55D-28(b), the Housing Element is a required section of the Municipal Master Plan. The Housing Element must be designed to achieve the goal of access to affordable housing to meet existing and future housing needs, with special attention given to low- and moderate-income households. The housing needs analysis must include demographic information on existing and projected housing stock and employment characteristics, a quantification of low- and moderate-income housing need, and a consideration of the lands within the Township that are most appropriate to accommodate such housing. Andover's Housing Element includes sufficient information regarding housing stock, demographic and employment characteristics and population trends pursuant to N.J.S.A. 52:27D-310.

Under N.J.A.C. 5:97-2.1(b), the Housing Element must also set forth the Township's fair share obligation, which is the sum of the rehabilitation share, the prior round obligation, and the growth share.

A. Rehabilitation Share

The rehabilitation share is the number of existing housing units within a municipality as of April 1, 2000, that are both deficient and occupied by households of low or moderate income. As indicated in Appendix B of N.J.A.C. 5:97, Andover has a zero unit rehabilitation share.

B. Prior Round Obligation

The prior round obligation is the cumulative 1987-1999 new construction obligation provided in Appendix C of N.J.A.C. 5:97. Andover has a prior round obligation of 55 units.

C. Projected Growth Share

The projected growth share is initially calculated based on household (residential) and employment (non-residential) 2004-2018 projections. Pursuant to Appendix F of N.J.A.C. 5:97, Andover has a residential projection of 456 units and a non-residential projection of 732 jobs, which results in an initial projected growth share obligation of 137 affordable units.²

SUMMARY OF FAIR SHARE OBLIGATION

Rehabilitation Share	0
Prior Round Obligation	55
Projected Growth Share Obligation	137

II. FAIR SHARE PLAN

A Fair Share Plan, as required under N.J.A.C. 5:97-3.1, describes the completed or proposed mechanisms and funding sources, if applicable, that will be utilized to specifically address Andover's rehabilitation share, prior round obligation, and growth share obligation and includes the draft ordinances necessary to implement that plan. Affordable housing must be provided in direct proportion to the growth share obligation generated by the actual growth.

Andover's Fair Share Plan, and the supporting documentation incorporated by reference therein, addresses the requirements of N.J.A.C. 5:97-3.1 as follows:

² Pursuant to N.J.A.C. 5:97-2.2(d), Andover's residential projection of 456 is divided by 5 to yield 91.2 units and the nonresidential projection of 732 jobs is divided by 16 to yield 45.8 units. Andover's total projected growth share is therefore 137 units (91.2 + 45.8).

A. Plan to Address Rehabilitation Share

Rehabilitation Share Credits

Andover's Housing Element and Fair Share Plan does not include a request for rehabilitation credit.

B. Plan to Address Prior Round Obligation

Prior Round Obligation Credits

Andover is addressing the prior round obligation with four post-1986 credits. In accordance with N.J.A.C. 5:97-4.1(d), all credits will be verified and validated during monitoring subsequent to substantive certification pursuant to N.J.A.C. 5:96-11.

Post-1986 Credits

Project/Development Name	Year	Type of Affordable Unit	No. Units/Bedrooms	Bonus Type	No. Bonuses	Total Units/Bedrooms + Bonuses
Pal's House	1989	Special needs rental	4	Rental	4	8
TOTALS			4		4	8

Proposed Affordable Housing Mechanisms

Andover proposes to address the remaining 47-unit prior round obligation through the following mechanism:

St. Paul's Abbey Municipally-Sponsored 100 Percent Affordable Housing

Andover will utilize a proposed municipally-sponsored and 100 percent affordable family rental project at 330-350 Route 206 (Block 152, Lot 35) to address 23 units of its Prior Round Obligation. Located on Andover's central western border with Fredon Township, the 21-acre property is owned by the Benedictine Order of Newton, NJ. The property is located directly across from the St. Paul's Abbey Monastery and a Willow Glen Academy facility. Andover's Township Committee has entered into a 45-year lease agreement with the Benedictine Order, which permits the conversion of the seminary building to affordable apartments. The existing

former seminary building and retreat house consists of 24,778 square feet in three stories. 24 affordable apartments will be created from adaptive reuse of this building. In addition, the Township proposes to expand the existing building by creating an additional 17 units. The site is zoned ML-Mount Laurel Zone, which permits the development of affordable housing at a density of six units per acre. However, this property is being developed at a density of approximately two units per acre due to limits on the existing sewer capacity. Although the property is located in Planning Area 4B (Rural/Environmentally Sensitive), there are no environmental constraints and the site is within an existing Sewer Service Area. The Township has submitted a preliminary engineering study, which affirms that the proposed development can be developed within the limits of the current permit for the existing sewer treatment plant.

Andover has issued a Request for Proposals (RFP) for affordable housing development. A preliminary pro-forma statement, construction schedule and project work plan were submitted by the Township. The Township anticipates submitting a definitive construction schedule and pro-forma statement once a developer has been selected. Based on the preliminary construction schedule, Andover expects construction to begin by April 2011. A resolution of intent to bond has been submitted for this project. The Borough anticipates being eligible for ten rental bonuses from this project and has a lease agreement with the Benedictine Order to develop and administer affordable rental units at the site.

The affordable units must meet the requirements of the Uniform Housing Affordability Controls (N.J.A.C. 5:80-1 et seq.) with regard to controls on affordability, affirmative marketing, pricing, low/moderate split and bedroom distribution. Prior to marketing the affordable units, Andover must submit the required items pursuant to N.J.A.C. 5:97-6.7(e).

[23 family rental units and 10 rental bonuses]

West View Affordable Housing (Rannou Tract 100% Affordable Housing Zone)

Andover will rely on a 100 percent affordable zoning project known as West View, located on Stickles Pond Road (Block 146, lots 2, 3, 7) to address 14 units of its Prior Round Obligation. The 9.8 acres property is owned by Krista and Christopher Rannou of Newton, NJ. The site is currently zoned R-0.5/A, which permits single-family detached dwellings at a density

of one unit per three acres. The Township has entered into an agreement with the property owners to construct 33 deed-restricted affordable townhomes of which no more than 18 will be age-restricted. Located in Planning Area 5 (Environmentally Sensitive), the Rannou Tract is surrounded by single-family detached housing, has no wetlands, is not flood-prone or constrained with stream buffers and has no critical environmental areas or historic/architecturally important buildings. However, the site is constrained with steep slopes on a tiny portion adjacent to Stickles Pond Road, which does not affect development of the property. According to Andover's Housing Element and Fair Share Plan, a preliminary soils analysis was performed and the site can accommodate wells for potable water and individual disposal systems for wastewater treatment.

Andover's Land Use Board approved a "d" variance to permit multifamily dwellings at a density of 3.4 units per acre for the development of 33 affordable housing units at its October 6, 2009 public hearing. The Township will address 14 units of its prior round obligation with 14 age-restricted rental units from this project. The affordable units must meet the requirements of the Uniform Housing Affordability Controls (N.J.A.C. 5:80-1 et seq.) with regard to controls on affordability, affirmative marketing, pricing, low/moderate split and bedroom distribution. Prior to marketing the affordable units, Andover must submit the required items pursuant to N.J.A.C. 5:97-6.4(k). [**14 age-restricted rental credits**]

Proposed Prior Round Affordable Housing Mechanisms

Type/Name of Affordable Housing Mechanism	Type of Affordable Unit	No. Units/Bedrooms	Bonus Type	No. Bonuses	Total Units/Bedrooms + Bonuses
St. Paul's Abbey 100% Affordable Development	Family rental	23	Rental	10	33
West View Affordable Housing	Age-restricted rental	14	N/A	0	14
TOTALS		37		10	47

Prior Round Obligation Parameters

Andover has satisfied the applicable Prior Round parameters as follows:

Prior Round Rental Obligation:³ 14 Units

Development/Project Name	Type of Affordable Unit	No. Units
Pal's House	Special needs rental	4
West View Affordable Housing	Age-restricted rental	14
St. Paul's Abbey	Family rental	23
TOTAL		41

Prior Round Age-Restricted Maximum⁴: 14 Units

Development/Project Name	Type of Affordable Unit	No. Units
West View Affordable Housing	Age-restricted rental	14
TOTAL		14

³ Rental Obligation: Pursuant to N.J.A.C. 5:97-3.10(b)1, the Prior Round Rental Requirement = .25(Prior Round Obligation-Prior Cycle Credits-Impact of 20% Cap-Impact of 1000 unit limitation) or .25(55 - 0) or 13.8 units.

⁴ Age-Restricted Maximum: Pursuant to N.J.A.C. 5:97-3.10(b)2, the Prior Round Age-Restricted Maximum = .25(Prior Round Obligation + Rehabilitation Share-Prior Cycle Credits-Rehabilitation Credits) or .25(55 + 0 - 0) or 13.8 units.

Prior Round Rental Bonus Maximum⁵ : 14 Units

Development/Project Name	Type of Bonus	No. Bonuses
Pal's House	Special needs rental	4
St. Paul's Abbey	Family rentals	10
TOTAL		14

C. Plan to Address Projected Growth Share

Growth Share Obligation Credits

Andover's Housing Element and Fair Share Plan include a request for four credits and four compliance bonuses toward the growth share obligation. In accordance with N.J.A.C. 5:97-4.1(d), all credits will be verified and validated during monitoring subsequent to substantive certification pursuant to N.J.A.C. 5:96-11.

Post-1986 Credits

Project/Development Name	Year Built or Approved	Type of Affordable Unit	No. Units/Bedrooms	Bonus Type	No. Bonuses	Total Units/Bedrooms + Bonuses
Mulford Road LLC Growth Share Zoning	2005	Family Rental	4	Compliance	4	8
TOTALS			4		4	8

Mulford Road LLC (Growth Share Zoning)

The Andover Township Planning Board approved a preliminary major subdivision approval for Mulford Road, LLC (block 105, lots 6.01&12.02; block 105.1, lot 7; block 105.02, lot 12; block 72.03, lot 1.02; block 117, lot 10.02) on September 26, 2005. As part of the

⁵ Pursuant to N.J.A.C. 5:97-3.5, no rental bonuses shall be granted for rental units in excess of the prior round rental obligation, therefore, Prior Round Rental Bonus Maximum = Prior Round Rental Obligation

approval, Mulford Road LLC was required to develop four affordable rental units with the 22 market rate units approved. Owned by Mulford Road LLC, c/o Howard Wachenfeld, Esq. (Administrator of the Estate) of Newark, NJ, the 95-acre tract is zoned SR-Special Residential, which permits a density of approximately four units per acre. Located in Planning Area 4, the Mulford Road LLC tract is surrounded by the following land uses: single family dwellings, garden apartments, and nursing homes. As part of the subdivision approval, the Township Planning Board ensured that each lot had enough capacity to accommodate an individual septic system and well for potable water. The developer is required to obtain site plan approval for this development. In addition to the request for four rental credits, the Township requests four compliance bonuses for this development.

The affordable units must meet the requirements of the Uniform Housing Affordability Controls (N.J.A.C. 5:80-1 et seq.) with regard to controls on affordability, affirmative marketing, pricing, low/moderate split and bedroom distribution. Prior to marketing the affordable units, Andover must submit the required items pursuant to N.J.A.C. 5:97-6.4(k). [**Four family rental units and four compliance bonuses**]

Proposed Affordable Housing Mechanisms

Andover proposes to address the remainder of its 137-unit growth share obligation through the following mechanisms:

Market to Affordable Program

Andover will address a portion of its projected growth share obligation through a Market-to-Affordable program. The Township anticipates creating ten affordable units through this program, which will be funded through a combination of affordable housing trust funds and funds from general revenues. The Township has submitted a Multiple Service List consisting of 25 for sale listings of which ten are listed for less than \$200,000 and the remainder for less than \$300,000. The Township has appropriated \$300,000 from general revenues for this project. According to Andover's proposed spending plan, the Township anticipates creating an average of one affordable unit per year through this Market to Affordable program. The units must be certified to be in sound condition as a result of an inspection performed by a licensed building

inspector, be affirmatively marketed, and have the proper affordability controls, low/moderate split and pricing. Financing for this program is also covered by a resolution of intent to bond in the event of a funding shortfall. Pursuant to N.J.A.C. 5:97-6.9(e), Andover has submitted a draft operating manual that includes a description of the program procedures and administration in accordance with UHAC and an affirmative marketing plan, which it must adopt within 45 days of certification. In addition, the Township has interviewed a number of candidates for administration of this program. An executed resolution and/or contract designating an experienced administrative agent in accordance with N.J.A.C. 5:96-18 must be submitted to COAH within 45 days from the date of substantive certification. **[Ten-Unit Market to Affordable Program]**

St. Paul's Abbey (Municipally Sponsored/ 100% Affordable Development)

Andover Township will utilize the previously mentioned municipally sponsored/100% affordable family rental project, St. Paul's Abbey, to address 18 units of its growth share obligation. The Township anticipates providing five very low-income units at this development. **[18 family rental units]**

West View (Rannou Tract 100% Affordable Housing Zone)

Andover proposes to address 19 units of its growth share obligation with 15 family rental units and four age-restricted units from the previously described zoning for 100 percent affordable development at Stickles Pond Road known as West View Affordable Housing. Of the four age-restricted units proposed, two will be reserved for very low-income households. The Township has provided a firm commitment from the developer to develop the units as rentals and as such is eligible for 15 rental bonuses. **[15 family rental units, 15 rental bonuses, and four age-restricted units]**

Phased Municipally Sponsored / 100% Affordable Development I

A 100 percent affordable development is anticipated to open in Andover by September 2017. This project will consist of 25 family rental units of which one will be reserved for very

low-income households. Andover will submit documentation to COAH in accordance with an implementation schedule as follows:

- June 1, 2011: Submit copy of proof of site control and site suitability
- December 15, 2011: Submit copy of RFP to COAH
- June 30, 2013: Submit copy of executed agreement with site developer or sponsor, including pro-forma statement and documentation of funding sources
- December 30, 2014: Submit copy of development approvals
- September 30, 2016: Submit copy of building permits issued
- December 30, 2017: Submit copy of final certificate of occupancy issued, resolution and/or executed contract designating an experience Administrative Agent along with his/her qualifications, adopted operating manual that includes description of program procedures and an affirmative marketing plan consistent with UHAC [**25 family rental units**]

Phased Municipally Sponsored / 100% Affordable Development II

Another 100 percent family rental development consisting of 26 dwelling units, inclusive of two that will be reserved for very low-income households, has an anticipated groundbreaking date in August of 2016. The Township will partner with an affordable housing developer/sponsor to create these units no later than December of 2017. Andover is utilizing the following implementation schedule for submitting documentation to COAH:

- June 1, 2011: Submit copy of proof of site control and site suitability
- December 15, 2011: Submit copy of RFP to COAH
- June 30, 2013: Submit copy of executed agreement with site developer or sponsor, including pro-forma statement and documentation of funding sources
- December 30, 2014: Submit copy of development approvals
- September 30, 2016: Submit copy of building permits issued
- December 30, 2017: Submit copy of final certificate of occupancy issued, resolution and/or executed contract designating an experience Administrative Agent along with his/her qualifications, adopted operating manual that includes description of program procedures and an affirmative marketing plan consistent with UHAC [**26 family rental units**]

Phased Municipally Sponsored / 100% Affordable Development III

Andover proposes to develop a 34-unit affordable senior rental project within the Third Round certification period, but no later than December 2017. The Township anticipates

partnering with a non-profit affordable housing provider to develop these units, which will include eight very low-income units. All units must comply with N.J.A.C. 5:97-6.7. Only 30 of the 34 proposed units are eligible at this time due to the age-restricted limitation. Andover anticipates submitting documentation to COAH according to the following implementation schedule:

- June 1, 2011: Submit copy of proof of site control and site suitability
- December 15, 2011: Submit copy of RFP to COAH
- June 30, 2013: Submit copy of executed agreement with site developer or sponsor, including pro-forma statement and documentation of funding sources
- December 30, 2014: Submit copy of development approvals
- September 30, 2016: Submit copy of building permits issued
- December 30, 2017: Submit copy of final certificate of occupancy issued, resolution and/or executed contract designating an experience Administrative Agent along with his/her qualifications, adopted operating manual that includes description of program procedures and an affirmative marketing plan consistent with UHAC [30 age-restricted rental units]

Proposed Growth Share Affordable Housing Mechanisms

Type/Name of Affordable Housing Mechanism	Type of Affordable Unit	No. Units/Bedrooms	Bonus Type	No. Bonuses	Total Units/Bedrooms + Bonuses
Market to Affordable	Family for-sale	10	N/A	0	10
St. Paul's Abbey	Family rental	18	N/A	0	18
West View Affordable Housing	Family rental	15	Rental	15	30
	Age-restricted rental	4	N/A	0	4
Phased Family Rental I	Family rental	25	N/A	0	25
Phased Family Rental II	Family rental	26	N/A	0	26
Phased Age-restricted Rental	Age-restricted rental	30	N/A	0	30
TOTALS		128		15	143

Growth Share Parameters

Andover has satisfied the applicable Growth Share parameters as follows:

Growth Share Rental Obligation:⁶ 35 Units

Development/Project Name	Type of Affordable Unit	No. Units
Mulford Road LLC	Family rental	4
St. Paul's Abbey	Family rental	18
West View Affordable Housing	Family rental	15
	Age-restricted rental	4
Phased Family Rental I	Family rental	25
Phased Family Rental II	Family rental	26
Phased Age-restricted Rental	Age-restricted rental	30
TOTAL		122

Growth Share Family Rental Requirement⁷ : 18 Units

Development/Project Name	Type of Affordable Unit	No. Units
Mulford Road LLC	Family rental	4
St. Paul's Abbey	Family rental	18
West View Affordable Housing	Family rental	15
Phased Family Rental I	Family rental	25*
Phased Family Rental II	Family rental	26

⁶ Projected Growth Share Rental Obligation: $.25(\text{Projected Growth Share})$ or $.25(137) = 34.3$ units pursuant to N.J.A.C. 5:97-3.10(b)3

⁷ Projected Growth Share Family Rental Requirement: $.5(\text{Projected Growth Share Rental Requirement})$ or $.5(35) = 17.5$ units pursuant to N.J.A.C. 5:97-3.4(b)

TOTAL	88
--------------	-----------

*In accordance with N.J.A.C. 5:97-3.6(a)4, these units are addressing the minimum family rental requirement and are therefore not eligible to receive rental bonuses. Only 18 units from this project are being applied toward the family rental obligation.

Growth Share Minimum Family Requirement⁸ : 67 Units

Development/Project Name	Type of Affordable Unit	No. Units
Market-to-Affordable Program	Family for-sale	10
Mulford Road LLC	Family rental	4
St. Paul's Abbey	Family rental	18
West View Affordable Housing	Family rental	15
Phased Family Rental I	Family rental	25
Phased Family Rental II	Family rental	26
TOTAL		98

Very Low Income Minimum Requirement⁹ : 17 Units

Development/Project Name	Type of Affordable Unit	No. Units
St. Paul's Abbey	Family rental	5
West View Tract	Age-restricted rental	2
Phased Family Rental I	Family rental	1
Phased Family Rental II	Family rental	2
Phased Age-restricted Rental	Age-restricted rental	8
TOTAL		18

⁸ Projected Growth Share Family Requirement: Pursuant to N.J.A.C. 5:97-3.9, this is at least 50 percent of units addressing the Growth Share Obligation or $.5(137-4) = 66.5$ units

⁹ Growth Share Very Low Income Requirement: $.13(\text{units addressing the Growth Share Obligation})$ or $.13(137-4) = 17.3$ or 17 units pursuant to P.L.2008, c.46 (**Note:** COAH encourages at least 50% of the VLI Requirement be met with family units.)

Age-Restricted Maximum:¹⁰ 34 Units

Development/Project Name	Type of Affordable Unit	No. Units
Phased Age-restricted Rental	Age-restricted rental	30
West View Affordable Housing	Age-restricted rental	4
TOTAL		34

Bonus Maximum:¹¹ 34 Bonuses

Development/Project Name	Type of Bonus	No. Bonuses
Mulford Road LLC Growth Share Zoning	Compliance	4
West View Affordable Housing	Family rental	15
TOTAL		19

Actual Growth Share Obligation

The actual growth share obligation will be based on permanent certificates of occupancy issued within Andover for market-rate residential units and newly constructed or expanded non-residential developments in accordance with Appendix D of N.J.A.C. 5:97. At plan evaluation review pursuant to N.J.A.C. 5:96-10, COAH will compare the actual growth share obligation with the actual number of affordable units constructed.

The New Jersey Department of Community Affairs (NJ DCA) *Construction Reporter* indicates that between January 1, 2004 and September 2008, Andover has issued certificates of occupancy for 126 housing units and also for the non-residential square footage equivalent of 125 jobs, yielding an actual growth share obligation through September 30, 2008, of 33

¹⁰ Projected Growth Share Age Restricted Maximum: $.25(\text{Projected Growth Share})$ or $.25(137) = 34.3$ or 34 units N.J.A.C. 5:97-3.10(c)2

¹¹ Projected Bonus Maximum: $.25(\text{Projected Growth Share})$ or $.25(137) = 34.3$ or 34 units N.J.A.C. 5:97-3.20

affordable units.¹²

D. Summary of Plan to Address Fair Share Obligation

REHABILITATION SHARE SUMMARY

Rehabilitation Share: 0 Units

Program Name	No. Units
N/A	0
TOTAL	0

PRIOR ROUND SUMMARY

Prior Round Obligation: 55 Units

	Name of Mechanism	No. Units/Bedrooms	Bonus Type	No. Bonuses	Total Units/Bedrooms + Bonuses
Prior Cycle Credits	N/A	0			0
Post-1986 Credits	Supportive/Special Needs	4	Rental	4	8
Subtotal		4		4	
Proposed Mechanisms	Municipally Sponsored/100% Affordable	23	Rental	10	33
	Other Innovative Approach – 100% Affordable Zone	14	N/A	0	14
Subtotal		41		14	
TOTAL					55

¹² The number of residential COs (126) is initially divided by 5 to yield 25 units and the number of jobs is divided by 16 to yield 8 units. Andover's total actual growth share is therefore 33 units (25 +8). **Note:** This number does not take into account allowable exclusions permitted under N.J.A.C. 5:97-2.5; therefore, the actual growth share may vary.

GROWTH SHARE SUMMARY
Projected Growth Share Obligation: 137 Units

	Name of Mechanism	No. Units/ Bedrooms	Bonus Type	No. Bonuses	Total Units/Bedrooms + Bonuses
Prior Cycle Credits	N/A	0			0
Post-1986 Credits	Growth Share Zoning	4	Compliance	4	8
Subtotal		4		4	8
Proposed Mechanisms	Market-to-Affordable	10	N/A	0	10
	Innovative Approach – 100% Affordable Zone	19	Rental	15	34
	Municipally Sponsored /100% Affordable Development	18	N/A	0	18
	Municipally Sponsored /100% Affordable Development	25	N/A	0	25
	Municipally Sponsored /100% Affordable Development	26	N/A	0	26
	Municipally Sponsored /100% Affordable Development	30	N/A	0	30
Subtotal		128		15	143
TOTAL					151
Surplus					14

III. FAIR SHARE DOCUMENT REVIEW

A. Development Fee Ordinance

Andover's certified plan included a development fee ordinance that was approved by COAH on April 18, 2005 and adopted by the Township on April 13, 2005. Andover submitted a

draft amended development fee ordinance for COAH's review and approval with its third round petition. The amended development fee ordinance was approved on March 17, 2009.

B. Third Round Spending Plan

A third round spending plan was submitted by Andover with the Township's third round petition for COAH's review and approval. The spending plan will be reviewed in a separate report.

C. Affordable Housing Ordinance/Affordable Housing Administration

Andover has submitted a draft affordable housing ordinance that comports with the requirements of the Uniform Housing Affordability Controls (UHAC), N.J.A.C. 5:80-26.1 et seq., which was amended on December 20, 2004. The draft proposed ordinance has been amended to comply with the barrier free subcode of the State Uniform Construction Code Act (N.J.S.A. 52:27D-119 et seq.) and the accessibility requirements of N.J.S.A. 52:27D-123.15. The draft ordinance must be adopted within 45 days of COAH's grant of substantive certification and submitted to COAH immediately upon adoption.

An ordinance establishing the position of a municipal housing liaison and a resolution appointing a municipal housing liaison were adopted by the Township on December 11, 2007.

Andover is responsible for the continued re-sale and re-rental of existing affordable units and the initial sale and rental of newly constructed affordable units within the Township and must identify an experienced administrative entity for that purpose by the contract, agreement or letter. Andover must submit a resolution and/or contract designating an administrative agent entity for all the affordable units in its plan in accordance with its implementation schedule. Pursuant to N.J.A.C. 5:80-26.14(b), Andover must submit a written operating manual for administering affordable units within the Township prior to marketing the affordable units.

D. Affirmative Marketing Plan

Andover has submitted an affirmative marketing plan that comports with the requirements of the UHAC and ensures the units in the Township's 1987-2018 Fair Share Plan and all future affordable housing units will be affirmatively marketed to the region upon initial sale/rental and re-sale/re-rental. Once approved by COAH, the affirmative marketing plan must

be adopted by resolution by the Township within 45 days of COAH's grant of substantive certification and submitted to COAH.

IV. MONITORING

Andover must comply with COAH monitoring requirements as set forth in N.J.A.C. 5:96-11, including reporting the Township's actual growth pursuant to N.J.A.C. 5:97-2.5. As indicated above, credits for built units will be validated and verified during monitoring prior to the first biennial plan evaluation. It should be noted that credits for affordable housing programs and/or affordable units must be in compliance with N.J.A.C. 5:97-4 in order for credit to be retained. If the units are determined not to be eligible for credit, COAH will notify Andover in writing and the Township may be directed to amend its certified plan to address the shortfall.

Pursuant to N.J.A.C. 5:96-10.1, COAH will conduct biennial plan evaluations upon substantive certification of Andover's Housing Element and Fair Share Plan. The purpose of the plan evaluation is to verify that the construction or provision of affordable housing has been in proportion to the actual residential growth and employment growth in the Township and to determine that the mechanisms addressing the projected growth share obligation continue to present a realistic opportunity for the creation of affordable housing. If upon any biennial review the difference between the number of affordable units constructed or provided in Andover and the number of units required pursuant to N.J.A.C. 5:97-2.5 results in a prorated production shortage of 10 percent or greater or Andover is not adhering to its implementation schedule pursuant to N.J.A.C. 5:97- 3.2(a)4, or the mechanisms addressing the projected growth share obligation no longer present a realistic opportunity for the creation of affordable housing, the Council may direct Andover to amend its plan to address the shortfall.

V. RECOMMENDATION

COAH staff recommends that Andover be granted third round substantive certification. Andover must adopt all necessary implementing ordinances within 45 days of the grant of substantive certification and submit certified copies of the adopted ordinances to COAH within seven days of the adoption.